

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS
FOR THE BOARD OF PSYCHOLOGY

In the Matter of the Psychology License
of Brenda S. Loewen, M.S., L.P.;
License No. LP0888

ORDER ALLOWING
TELEPHONE DEPOSITION

By a written Motion filed on June 24, 1996, the Complaint Resolution Committee of the Board of Psychology requested an order allowing the telephone deposition of a witness to preserve her testimony. No written reply to the Motion was filed by the Licensee. The Complaint Resolution Committee is represented by Michael J. Weber, Assistant Attorney General, 525 Park Street, Suite 500, St. Paul, Minnesota 55103. The Licensee, Brenda Sue Loewen, P.O. Box 280, 915 Ninth Avenue North, Moorhead, Minnesota 56560 or 4824 24th Avenue Northwest, Rochester, Minnesota 55901.

Based upon the Motion filed, all the filings in this case, and for the reasons set out in the Memorandum which follows,

IT IS HEREBY ORDERED that the Complaint Resolution Committee shall be permitted to depose witness Barbara Klein by telephone to preserve her testimony for the hearing in this matter.

Dated this 9th day of July 1996.

GEORGE A. BECK
Administrative Law Judge

MEMORANDUM

In its Motion, the Complaint Resolution Committee of the Board of Psychology asks that it be allowed to take a deposition of witness Barbara Klein by telephone to preserve her testimony for the hearing. It states that Ms. Klein will be in Maryland during the week that this matter is scheduled to be heard. Such orders are authorized by Minn. Rule 1400.6900, where the request indicates the relevancy of the testimony and shows that the witness will be unable to attend the hearing. Ms. Klein is a witness to crucial facts alleged by the Committee and, as indicated, will not be in Minnesota during the week of the hearing.

The Complaint Committee also asks that it be permitted to take this deposition by telephone. The Licensee is presently incarcerated in Clay County Jail in Moorhead, Minnesota. Ms. Klein works in St. Cloud. Depositions are customarily taken where the person deposed resides or works. Minn. R. Civ. P. 45.04(c). The Complaint Committee suggests that the deposition will be limited in scope and take less than one hour. A telephone deposition is therefore appropriate. The Licensee did not oppose this request.

G.A.B.